

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES)	
)	
v.)	NO. 21-CR-10208-NMG
)	
ROBYN COSTA)	

Defendant's Sentencing Memorandum

I. Defendant's Sentencing Recommendation

For the reasons set forth below in more detail, the defendant respectfully requests that this Honorable Court impose a sentence of 72 months, followed by a period of 3 years supervised release. Although this recommendation represents a variance from the guidelines in this case, the defendant submits there are extraordinary facts and circumstances justifying such a variance.

II. Sentencing Considerations

According to 18 U.S.C. § 3553(a), a sentencing court shall impose a sentence that is sufficient but not greater than necessary to comply with the purposes of sentencing. In addition to the guidelines, courts are directed to consider the following factors:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed-

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant;
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner...

In sentencing, the court should consider every convicted person as an individual and every case as a unique study in human failings that sometimes mitigate and sometimes magnify the crime and punishment to ensue. See *Gall v. United States*, 552 U.S. 38, 52 (2007), citing *Koon v. United States*, 518 U.S. 81, 98 (1996).

III. History and Characteristics of Robyn Costa.

(1) The Defendant's Criminal History

Ms. Costa has no criminal history points and has never served a period of incarceration. In her only past brushes with the criminal justice system, Ms. Costa was placed on probation which she successfully completed. Her lack of record, and successful track record as a probationer make her an ideal candidate for a shorter period of incarceration followed by a substantial period of supervised release.

(2) The Defendant's Personal History and Characteristics

Robyn Costa appears before the Court as 39 year old woman, who is also a single mom. She grew up in Brockton, MA and attended Brockton High School. As young person she displayed great promise. She lived in a working class household where her father was an electrical engineer and her mother was a school teacher's aid. Until her sophomore year (14 years old) she was an easy going, motivated, and drug free adolescent. She earned good grades. She was a standout soccer player. She was on her way to great things. See **Exhibit One:** photographs of Robyn from this era.

However, things took a turn for the worse as she was turning 15 and 16. Robyn had her first serious boyfriend who she thought was great. He had some bad habits and she slowly drifted into his lifestyle. She began experimenting with drugs and alcohol. She stopped playing soccer. And her commitment to good grades lessened. Along the way, her relationship with her parents deteriorated significantly. What started out as tough love, devolved into resentment, neglect and meanness. Behind the scenes Robyn's boyfriend became increasingly volatile and subjected her to emotional, mental, and physical abuse. Robyn desperately needed help and support. She got none. The person who she adored and looked up to the most, her grandmother, had passed away a number of years prior. This left a hole in Robyn's life and furthered her isolation.

This was also the era of perked 30's and a variety of other opioid pills recklessly pushed into the hands of teenagers by big pharma USA. Untold thousands of young people took them for fun, not at all knowing the risk that came with an over the counter FDA approved pill. Far too many of these kids got hooked, addicted, and worse. Robyn Costa was one of those kids. By the time Robyn was graduating high school she was addicted to opioids. Her dreams of attending a great college, and maybe playing college soccer were dashed.

Her drug use worsened over the next several years as she began using heroin as a substitute for the more expensive harder to find pills. Despite her addiction, Robyn fought on, trying her best to keep her life on track. She enrolled in community college. She continued to work. But she struggled to get clean. And her addiction worsened to life threatening proportions.

When she finally hit rock bottom, Robyn landed in a rehab facility in New Bedford. There, she found the support and strategies that she used to turn her life around. Robyn got clean and sober for the first time since she was 14 years old.

She met a better man (also in recovery). She began a great 12 year run of sobriety where she lived an honest life working in restaurants and living independently in her own apartment. She mended fences with her family. Most importantly, she gave birth to her daughter Gianna, who was (and is) the center of Robyn's universe. The true love her life. See **Exhibit Two:** photograph of Robyn and Gianna.

For the next twelve years Robyn dedicated herself to being hard working single mom. She re-built her relationship with her parents. See **Exhibit Three:** photographs of Robyn and her parents. And, she dedicated herself to being a great mom. See **Exhibit Four:** photographs of Robyn and Gianna on together on a day trip to the beach, celebrating Fourth of July, first day of school, taking in a baseball game, having a happy birthday cake, at the dance recital, celebrating Christmas, going to the movies, hanging out, bonding, and having fun.

During this decade plus, Robyn worked extremely hard in the restaurant business to make ends meet. She took every shift she could. She did not make much money. She accumulated no savings. She lived pay check to pay check. But, she did provide a safe, secure, and loving home for Gianna. Several close friends have written compelling letters which reflect on the Robyn they knew during this era.

Exhibit Five: letter from Lauren Smith, who describes Robyn as a great friend and hardworking single mom whose life revolved around Gianna.

Exhibit Six: letter from Krista McNulty, who credits Robyn with helping her get clean from drug addiction and describing Robyn as an amazing mom whose daughter worshipped her.

Exhibit Seven: letter from Lisa Buonassisi, who writes about how Robyn helped her through the toughest times in her life, especially helping her as a young single mom. She describes sober Robyn as the fiercest, most loving, kindest girl she has ever met.

Exhibit Eight: letter from Troy Mendes, who writes that Robyn was there for him when he needed someone most. He describes Robyn as understanding, compassionate, and caring. A hard worker even when she was in school full time. He says that as a mother she has nothing but love for Gianna, and describes a relationship full of laughter, caring, teaching, and learning.

Twelve years of sobriety ended with a very unlucky thirteen. Robyn's father took a stroke. He was hospitalized for a lengthy period of time. Robyn went to his side. But, while she was there, she also missed shifts at work. She missed so many shifts caring for her father, that she was fired from her job. That started a tailspin. Depression and anxiety took hold. She was broke. Her daughter's father had relapsed and was out of the picture. She was on her own and overwhelmed. Some of her friends were drug users. One day she slipped and joined them.

She used hard drugs and they took over her life in no time. She went into a tailspin of using and selling to support her habit. She lost everything. Her family relationships were destroyed. She lost custody of her daughter. She got mixed up in a federal drug case and detained. Now she's facing a potentially huge prison sentence.

This rock bottom is even deeper and harder than the first one she hit. However, to her great credit, Robyn Costa is not a quitter. She obtained and maintained sobriety once before. She knows she can do it again. While detained, she has done everything she can to turn her life around again.

She has accepted responsibility. She has plead guilty. She doesn't just bide her time in detention. Instead, she has enrolled in every program available. She has addressed health issues,

mental health issues, addiction issues, education, and job training. Her goal is to build a better self, and to emerge from this ordeal as a sober, strong, healthy, single mom, who can reconnect with her daughter, rebuild her career, further her education, regain the trust of her family, and be a productive member of society who can use her experiences to help others. The following Exhibits speak to her commitment.

Exhibit Nine: Robyn Costa's written allocution.

Exhibit Ten: certificates of completion for programming that Robyn has taken while detained for the past several years addressing substance abuse, decision making, anxiety, anger management, stress management, the impact of crimes on victims, setting personal boundaries, tolerance, history, civil rights, literature, and job training.

See **Exhibit Eleven:** letters from Major Kristen Damaso and Larry Fisher at Wyatt, describing Robyn's stand out participation in programming.

IV. Sentencing Guidelines

Mr. Costa does not object to the sentencing guidelines as calculated by the probation department in the PSR. However, the defendant is requesting a substantial variance.

V. Requested Judicial Recommendations

- (1) The defendant respectfully requests that the Court recommend that she participate in the RDAP program.
- (2) The defendant respectfully requests that the Court recommend that she serve her sentence at the FCI Danbury Camp.

VI. Conclusion

Robyn Costa is a fundamentally good person. She is smart. She is a hard worker. She is a great mom. She is committed to God and to sobriety. She can prove it all. All she needs is a

reasonable sentence, and a second chance. See **Exhibit Thirteen**: letter from Chaplain Leo G. Mogavero.

Based on the arguments set forth above, undersigned counsel respectfully requests that this Court sentence Mr. Costa to a period of 72 months followed by three years of supervised release.

Respectfully Submitted,
Counsel for the defendant,

/s/ Liam Scully

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Dated: August 5, 2024

Certificate of Service

I hereby state that I served a copy of this Memorandum to all registered participants of the CM/ECF filing system in this case and that no party requires service in any other manner.

Signed: /s/ Liam Scully

Dated: August 5, 2024